

PATENT

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REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the provisions of 35 U.S.C. § 102 and § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. OATH/DECLARATION

The Examiner submits that the oath or declaration is defective. The Applicants submitted a Renewed Petition on March 4, 2005 for filing this application without one of the inventor's signature.

II. REJECTION OF CLAIMS 1-5, 7, 10, 11, 14, AND 19 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 7, 10, 11, 14 and 19 in the Office Action under 35 U.S.C. § 102 as being anticipated by Stimson, et al. (US Patent 5,577,109, issued November 19, 1996, hereinafter referred to as "Stimson".) The Applicants respectfully traverse the rejection.

Stimson teaches a pre-paid card system and method. Stimson teaches that a pre-paid calling card can be activated from remote terminals that transmit information to a host computer. (See Stimson, Col. 4, Lines 30-36.) Once activated, the cards can be used for calls by dialing a dedicated telephone number which connects to the host computer and call processor. (See Stimson, Col. 5, Lines 43-48.)

The Examiner's attention is directed to the fact that Stimson fails to teach or suggest the novel concept of a method or system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM, as positively claimed by Applicants' independent claims 1, 11 and 19. Specifically, Applicants' independent claims 1, 11 and 19 positively recite:

1. A method of providing digital content to consumers, comprising:

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receiving unique identification information associated with a prepaid digital content medium (PDCM) from a consumer distributor of said PDCM;
activating said PDCM based upon said unique identification information;
and

sending confirmation of activation of said PDCM in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM. (Emphasis Added.)

11. A system for providing digital content, comprising:

a prepaid digital content medium (PDCM) comprising unique identification information thereon;

a PDCM consumer distributor for selling said PDCM;

a digital content provider for storing said digital content associated with said PDCM, said digital content provider adapted for communication with a consumer computer device to request and receive said digital content; and

an authentication service provider for maintaining corresponding identification information associated with said PDCM, said authentication service provider adapted to activate said PDCM upon receiving notice of purchase of said PDCM, said authentication service provider sending confirmation of activation of said PDCM in response to a request for confirmation from said digital content provider, wherein said digital content provider sends said request for confirmation in response to said consumer computer device requesting to receive said digital content from said service provider. (Emphasis Added.)

19. A method for providing digital content using a prepaid digital content medium (PDCM), comprising:

activating said PDCM at an authentication service provider in response to receiving identifying and purchase information associated with said PDCM from a distributor of said PDCM; and

providing said digital content to a computer device of a user from a digital content provider, in an instance where said user is registered with said digital content provider, and said identifying and purchasing information associated with said PDCM is reconfirmed as being activated by said authentication service provider. (Emphasis Added.)

The Applicants' invention teaches a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM. The Applicants' invention allows a promoter of digital content to indirectly sell digital content at a retailer. (See Applicants' specification, page 3, paragraph [0012].) This allows digital content providers to enjoy the success merchants of tangible goods

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have had with pre-paid cards. (See Applicants' specification, page 1, paragraph [0004].) The Applicants' invention is achieved because the authentication service provider is able to communicate with two different services; a distributor retailer and a digital content provider on the internet. (See Applicants' Specification, page 4, paragraph [0015]; Figure 1.)

In contrast, Stimson fails to anticipate the Applicants' invention in two respects. First, Stimson clearly does not teach, show or suggest that the pre-paid calling card is used for digital content over the internet. Rather, Stimson teaches using the pre-paid card for calling services or purchasing items in a store via a card swipe terminal or dedicated telephone number. (See Stimson, Col. 5, Lines 43-64; Col. 7, Lines 1-25.) In addition, the method taught by Stimson teaches that communication with the host computer is only initiated with the pre-paid calling card, either for calling service, purchase, or recharging the card. (See Stimson, Col. 5, Lines 43-47; Col. 6, Lines 1-19; Col. 7, Lines 6-9.) In contrast, in one embodiment of Applicants' invention, communication with the authentication service provider is initiated by purchasing a PDCM at a distributor and followed by a request for confirmation from the digital content provider. (See Applicants' Specification, page 5, paragraph [0017]; page 9, paragraph [0035].) Therefore, Stimson does not teach a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM. As such, the Applicants respectfully submit that Stimson clearly does not anticipate Applicants' independent claims 1, 11 and 19 and respectfully request the rejection be withdrawn.

Furthermore, dependent claims 2-5, 7, 10 and 14 depend, either directly or indirectly, from claims 1 and 11, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-5, 7, 10 and 14 are also patentable and not anticipated by Stimson. As such, the Applicants respectfully request the rejection be withdrawn.

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III. REJECTION OF CLAIMS 6, 8, 9, 12, 13, 15-18 AND 20 UNDER 35 U.S.C. § 103**A. Claims 6, 8, 9, 12 and 13**

The Examiner has rejected claims 6, 8, 9, 12 and 13 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Stimson in view of Dawson (US Patent 6,832,720, issued December 21, 2004, herein referred to as "Dawson".) Applicants respectfully traverse the rejection.

The teachings of Stimson have been discussed above. Dawson teaches a debit card with activation control. Dawson teaches a debit card package that can be sold from open and unprotected retail shelving. (See Dawson, Abstract.)

The Examiner's attention is directed to the fact that Stimson and Dawson fail to teach, show or suggest a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM, as positively claimed by Applicants' independent claims 1, 11 and 19. (See *supra*.)

The Applicants' invention teaches a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM. The Applicants' invention allows a promoter of digital content to indirectly sell digital content at a retailer. (See Applicants' specification, page 3, paragraph [0012].) This allows digital content providers to enjoy the success merchants of tangible goods have had with pre-paid cards. (See Applicants' specification, page 1, paragraph [0004].) The Applicants' invention is achieved because the authentication service provider is able to communicate with two different services; a distributor retailer and a digital content provider on the internet. (See Applicants' Specification, page 4, paragraph [0015]; Figure 1.)

In contrast, Stimson and Dawson, individually or in any permissible combination, fail to teach, show or suggest the Applicants' invention. As discussed above, Stimson

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clearly does not teach, show or suggest a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM, as taught by the Applicants' invention. (See *supra*.) This significant gap is not bridged by the teaching of Dawson. Dawson only teaches a debit card package that can be sold from open and unprotected retail shelving. (See Dawson, Abstract.)

In arguendo, even if Stimson and Dawson were combined, the combination would still not teach or suggest Applicants' invention. The combination of Stimson and Dawson would only teach a pre-paid calling card package being adapted to be sold from open and unprotected retail shelving, wherein the pre-paid calling card is used to make calls or purchase tangible goods and where each communication with the host computer is initiated by the pre-paid calling card. Therefore, the combination of Stimson and Dawson does not teach or suggest Applicants' invention as recited in independent claims 1, 11 and 19.

Dependent claims 6, 8, 9, 12 and 13 depend, either directly or indirectly, from independent claims 1 and 11, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 6, 8, 9, 12 and 13 are also not made obvious by the teachings of Stimson and Dawson. As such, the Applicants respectfully request the rejection be withdrawn.

B. Claims 15-18 and 20

The Examiner has rejected claims 15-18 and 20 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Stimson in view of Wu (US Patent Publication 2003/0050041, published March 13, 2003, herein referred to as "Wu".) Applicants respectfully traverse the rejection.

The teachings of Stimson have been discussed above. Wu teaches a network system for providing prepaid wireless remote access service. The network system is configured for implementing relatively high bandwidth communications links to customers through a wireless medium at any location within a wireless coverage area. (See Wu, paragraph [0006].) Moreover, the network system requires minimal space, is

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discretely located and can operate over a large public area without physical constraints and limitations. (See *Id.*)

The Examiner's attention is directed to the fact that Stimson and Wu fail to teach, show or suggest a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM, as positively claimed by Applicants independent claims 1, 11 and 19. (See *supra.*)

The Applicants' invention teaches a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM. The Applicants' invention allows a promoter of digital content to indirectly sell digital content at a retailer. (See Applicants' specification, page 3, paragraph [0012].) This allows digital content providers to enjoy the success merchants of tangible goods have had with pre-paid cards. (See Applicants' specification, page 1, paragraph [0004].) The Applicants' invention is achieved because the authentication service provider is able to communicate with two different services; a distributor retailer and a digital content provider on the internet. (See Applicants' Specification, page 4, paragraph [0015]; Figure 1.)

In contrast, Stimson and Wu, individually or in any permissible combination, fail to teach, show or suggest the Applicants' invention. As discussed above, Stimson clearly does not teach, show or suggest a method and system of providing digital content to consumers, comprising sending confirmation of activation of a prepaid digital content medium (PDCM) in response to a request for confirmation from a digital content provider, said digital content provider sending said request for confirmation in response to a request for said digital content by a consumer possessing said purchased PDCM, as taught by the Applicants' invention. (See *supra.*) This significant gap is not bridged by the teaching of Wu. Wu only teaches a network system for providing prepaid wireless remote access service. (See Wu, Abstract.)

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In arguendo, even if Stimson and Wu were combined, the combination would still not teach or suggest Applicants' invention. The combination of Stimson and Wu would only teach a prepaid wireless remote access service, wherein the pre-paid calling card is used to make calls or purchase tangible goods and where each communication with the host computer is initiated by the pre-paid calling card. Therefore, the combination of Stimson and Wu does not teach or suggest Applicants' invention as recited in independent claims 1, 11 and 19.

Dependent claims 15-18 and 20 depend, either directly or indirectly, from independent claims 11 and 19, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 15-18 and 20 are also not made obvious by the teachings of Stimson and Wu. As such, the Applicants respectfully request the rejection be withdrawn.

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Conclusion

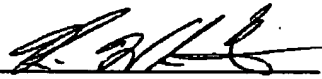
Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §102 and §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

May 9, 2005

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